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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:12-CR-312-GMN-(VCF)
)
EFRAIN LICEA-CARDENAS)
)
Defendant.)

**UNITED STATES OF AMERICA'S NOTICE THAT ITS INTERESTS AND RIGHTS
EXPIRED IN PROPERTY LISTED IN PRELIMINARY ORDER OF FORFEITURE AND
FINAL ORDER OF FORFEITURE AS TO DEFENDANT EFRAIN LICEA-CARDENAS**

The United States of America, by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully notifies this Honorable Court that its interests and rights in the following properties expired pursuant to Title 21, United States Code, Section 853(h):

1. A Hi-Point 9mm semi-automatic handgun, serial number P1249442; and
2. Any and all ammunition.

This Notice is made and is based on the papers and pleadings on file herein, the attached Memorandum of Points and Authorities, and the attached Exhibit.

1 A proposed order is submitted with this Notice.

2 Dated this 14th day of August, 2013.

3 DANIEL G. BOGDEN
4 United States Attorney

5 /s/ Daniel D. Hollingsworth
6 DANIEL D. HOLLINGSWORTH
7 Assistant United States Attorney
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MEMORANDUM OF POINTS AND AUTHORITIES

A Three-Count Criminal Indictment was returned against Efrain Licea-Cardenas (“Licea-Cardenas”) on August 28, 2012. Criminal Indictment, ECF No. 6. Licea-Cardenas pled guilty to Count One of the Indictment (ECF No. 6). Change of Plea Minutes, ECF No. 44; Plea Agreement, ECF No. 45. This Court entered the Preliminary Order of Forfeiture (ECF No. 46) on May 1, 2013, and the Final Order of Forfeiture as to Defendant Efrain Licea-Cardenas (ECF No. 49) on August 1, 2013, which listed the following property:

1. A Hi-Point 9mm semi-automatic handgun, serial number P1249442; and
2. Any and all ammunition (all of which constitutes “property”).

The United States of America (“United States”) does not have custody of the property listed in the Preliminary Order of Forfeiture (ECF No. 46) and the Final Order of Forfeiture as to Defendant Efrain Licea-Cardenas (ECF No. 49).

The United States’ forfeited interests and rights in the property listed in the Preliminary Order of Forfeiture (ECF No. 46) and the Final Order of Forfeiture as to Defendant Efrain Licea-Cardenas (ECF No. 49) have expired. “Any property right or interest not exercisable by, or transferrable for value to, the United States shall expire and shall not revert to the defendant . . .” Title 21, United States Code, Section 853(h); Title 18, United States Code, Section 1963(f); *see also United States v. Conner*, 603 F. Supp.2d 890, 896 (W.D. Va. 2009).

Based on the foregoing, this Court should enter an order indicating the United States’ interests and rights in the property listed in the Preliminary Order of Forfeiture (ECF No. 46) and the Final Order of Forfeiture as to Defendant Efrain Licea-Cardenas (ECF No. 49) have expired, that the Preliminary Order of Forfeiture and the Final Order of Forfeiture as to Defendant Efrain Licea-

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1 Cardenas are reversed and are null and void, and the property listed in the respective orders will not
2 revert back to Licea-Cardenas, and/or any person acting in concert with him and/or on his behalf.

3 Dated this 14th day of August, 2013.

4 DANIEL G. BOGDEN
5 United States Attorney

6 /s/ Daniel D. Hollingsworth
7 DANIEL D. HOLLINGSWORTH
8 Assistant United States Attorney
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:12-CR-312-GMN-(VCF)
)
EFRAIN LICEA-CARDENAS)
)
Defendant.)

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America's interests and rights expired in:

1. A Hi-Point 9mm semi-automatic handgun, serial number P1249442; and
2. Any and all ammunition.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the the Preliminary Order of Forfeiture (ECF No. 46) and the Final Order of Forfeiture as to Defendant Efrain Licea-Cardenas (ECF No. 49) entered in this case are null and void;

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the above-named
2 property does not revert to Efrain Licea-Cardenas, and/or any person acting in concert with him
3 and/or on his behalf.

4 IT IS SO ORDERED:

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8 Gloria M. Navarro
9 United States District Judge

10 **DATED: 08/15/2013**
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